

CITY OF SAN ANTONIO

Board of Adjustment

First Floor, Board Room
Cliff Morton Development and Business Services Center
1901 South Alamo Street

Monday, September 17, 2007

Board of Adjustment Board Members

Mike Villyard District 9
Chairman

Vacant	District 1	Paul Klein	District 6
Edward Hardemon	District 2	Mary Rogers	District 7
Helen Dutmer	District 3	Andrew Ozuna	District 8
Gerald Yarbrough	District 4	Michael Gallagher	District 10
Laura Lizcano	District 5	Gene Camargo	Mayor

Alternates

Maria Cruz	Michael Dean
Marian Moffat	Henry Rodriguez
Rollete Schreckenghost	Pete Vallone

- I. **1:00 p.m. – Public Hearing Call to Order and Roll Call.**
- II. **Pledges of Allegiance.**
- III. **A-07-026PP:** The request of John M Neugebauer, for a 26-foot variance from the minimum 30-foot rear setback required in “C-2” and “C-3” zoning districts when abutting a residential use or residential zoning district, in order to construct a building 4 feet from the rear property line, 10042 Potranco Road.
- IV. **A-07-087:** The request of Elva Arteaga, for a 12-foot variance from the Unified Development Code requirement that, within the Alta Vista Neighborhood Conservation District, carports shall be located a minimum of 5 feet behind the primary residence’s front façade, in order to keep an existing carport that extends 7 feet in front of the primary residence’s front façade, 519 West Huisache Avenue.
- V. **A-07-088:** The request of Jean Morgan, for an 18-foot, 2-inch variance from the Unified Development Code requirement that a minimum 20-foot front setback be maintained for front entry carports, in order to keep an existing carport 1 foot, 10 inches from the front property line, 5671 Wood Oak.

- VI. **A-07-089:** The request of Xenia Q. Aguilar, for a 2-foot variance from the Unified Development Code requirement that predominately open fences in front yards be no taller than 4 feet in order to erect a 6-foot tall predominately open fence in the front yard, 489 Oak Knoll Drive.
- VII. **A-07-090:** The request of Olga Johnson, for a 2-foot variance from the Unified Development Code requirement that solid screen fences in side and rear yards be no taller than 6 feet in order to keep an 8-foot tall solid screen fence in the side yards, 3757 South Foster Road.
- VIII. **A-07-091:** The request of Newmark Homes, LLP, for a 2-foot variance from the Unified Development Code requirement that a minimum 20-foot front setback be maintained for front entry garages, in order to keep a garage, which is under construction at 18 feet from the back of the sidewalk, 18831 Salado Canyon.
- IX. **A-07-092:** The request of Jeffrey Carroll, for a 25-foot variance from the Unified Development Code requirement that a minimum 30-foot rear setback is required in "C-3" zoning districts when abutting a residential use or residential zoning district, in order to construct a building 5 feet from the rear property line, 4999 De Zavala Road.
- X. **A-07-094:** The request of Hotel Properties of Texas, LP, to appeal the decision of the Chief Sign Inspector to issue a stop work order for the removal of an on-premise free-standing sign cabinet, and the interpretation of 28-245 by the Chief Sign Inspector that the removal of an on-premise freestanding sign cabinet from a nonconforming sign, without first obtaining the proper approvals, resulted in the termination of nonconforming rights to the sign, 628 South Santa Rosa Street.
- XI. **A-07-095:** The requests of NW Signs, for 1) an 18-foot variance from the Unified Development Code requirement that single tenant, free-standing, on-premise signs on property fronting an expressway and within the Hill Country Gateway Corridor Overlay District shall not exceed an overall height of 35 feet, in order to erect a 53-foot tall single tenant, free-standing, on-premise sign, and 2) a 41.5 square-foot variance from the Unified Development Code requirement that the sign face area of a single tenant, free-standing, on-premise sign on property fronting an expressway and within the Hill Country Gateway Corridor Overlay District shall not exceed 200 square feet, in order to install a 241.5 square foot single tenant, free-standing, on-premise sign, 13703 IH 10 West.
- XII. **A-07-096:** The requests of Brown P.C., for 1) a 2-foot variance from the Unified Development Code requirement that solid screen fences in side and rear yards be no taller than 6 feet, in order to erect an 8-foot tall solid screen fence on the southern boundary of the subject property, and 2) a 5-foot variance from the Unified Development Code requirement that solid screen fences in front yards be no taller than 3 feet, in order to erect the same 8-foot tall solid screen fence in the front yard, 8610 McCullough Avenue.
- XIII. **Approval of the minutes from the regular meeting on August 20, 2007.**
- XIV. **Staff Report.**
- XV. **Executive Session:** consultation on attorney-client matters (real estate, litigation, personnel, and security matters) as well as any of the above agenda items may be discussed.

XVI. Adjournment.

Note: The City of San Antonio Board of Adjustment Agenda is on the Internet at: www.sanantonio.gov/dsd

Accessibility Statement

This meeting is wheelchair accessible. Accessible entrances are located at the front and side of the building at 1901 South Alamo Street. Accessible parking spaces are located at the front and rear of the building. Auxiliary aids and services are available upon request. Interpreters for the deaf must be requested at least 48 hours prior to the meeting by calling (210) 207-7245.

NCB 34393 - Block 000

Vacant

C2

C2

Potranco Rd

10010

C2

Vacant

10042

C3R

Vacant

R6

NCB 15910 - Block 067

10102

C3R

Service
Station

NCB 15910
Block 100

Fillmore

870

R6

Vacant

C2

1R

1R

1R

R6

R6

R6

NCB 15910
Block 102

R6

R6

10111

10107

10103

Cedarcliff

R6

R6

R6

R6

R6

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Pine Glade

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Coral Villa

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Board of Adjustment

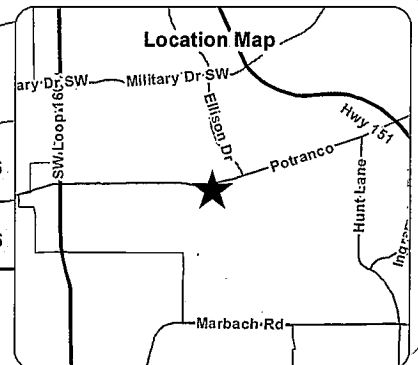
Notification Plan for
Case A-07-026



Legend

Subject Property 
200' Buffer 

Scale: 1" approx. = 120'
Council District 4



Produced by the City of San Antonio
Development Services Department
(09/12/2007)

Board of Adjustment - Case No. A-07-026PP

September 17, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, September 17, 2007** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – John M Neuegebauer

Lot 93, Block 67, NCB 15910

10042 Potranco Road

Zoned: “C-2” Commercial District and “C-3R” General Commercial Restricted Alcoholic Sales District

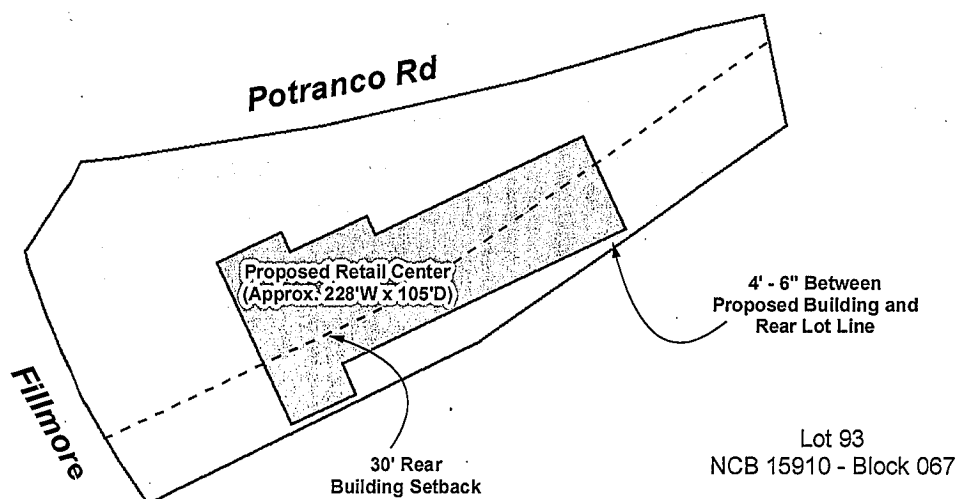
The applicant is requesting a 26-foot variance from the minimum 30-foot rear setback required in “C-2” and “C-3” zoning districts when abutting a residential use or residential zoning district, in order to construct a building 4 feet from the rear property line.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. To check on the status of this case, or for additional information, you may contact Case Manager **Omar Sotelo** at (210) 207-5018. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

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Whether or not you attend this public hearing, please complete and return the enclosed card to the Development Services Department, 1901 South Alamo, San Antonio, Texas 78204-3966. Thank you.



Board of Adjustment

**Plot Plan for
Case A-07-026**



Scale: 1" approx. = 100'
Council District 4

10042 Potranco Rd

Produced by the City of San Antonio
Development Services Department
(09/12/2007)

CASE NO: A-07-026 PP

Board of Adjustment – September 17, 2007

Applicant: John M. Neugebauer
Owner: D & R Development, Ltd.
Request(s): A 26-foot variance from the minimum 30-foot rear setback required in "C-2" and "C-3" zoning districts when abutting a residential use or residential zoning district, in order to construct a building 4 feet from the rear property line
Legal Description: Lot 93, Block 67, NCB 15910
Address: 10042 Potranco Road
Zoning: "C-2" Commercial District and "C-3R" General Commercial Restricted Alcoholic Sales District
Existing Use: Vacant
Neigh. Assoc: None
Neigh. Plan: None

Section of the City Code from which this variance is requested

Section 35-310 Zoning District Purpose Statements and Design Regulations: A minimum 30-foot rear setback is required in "C-2" and "C-3" zoning districts when abutting a residential use or residential zoning district.

Background: The subject property is located in a developing commercial node on the City's far west side. This lot is situated on the southeast corner of the intersection of Potranco Road and Fillmore Drive. The large parcel to the north is zoned for commercial use but is currently vacant. The lot to the west is occupied by a gasoline filling station. The lot directly to the south is zoned for residential use and is currently vacant. The large lot to the south and east (the future location of a proposed church) is primarily zoned for residential use with the northern strip along Potranco zoned for commercial use. In 2006, the owner of the subject property entered into an agreement with the owner of this abutting lot to jointly establish, construct and maintain a privately held ingress/egress easement. The owner of the subject lot purchased a portion of the lot to the south for construction of this ingress/egress easement.

The applicant is proposing to construct 16,320 square feet of retail space on the subject property. As planned, a portion of the single building would encroach into the 30-foot rear setback.

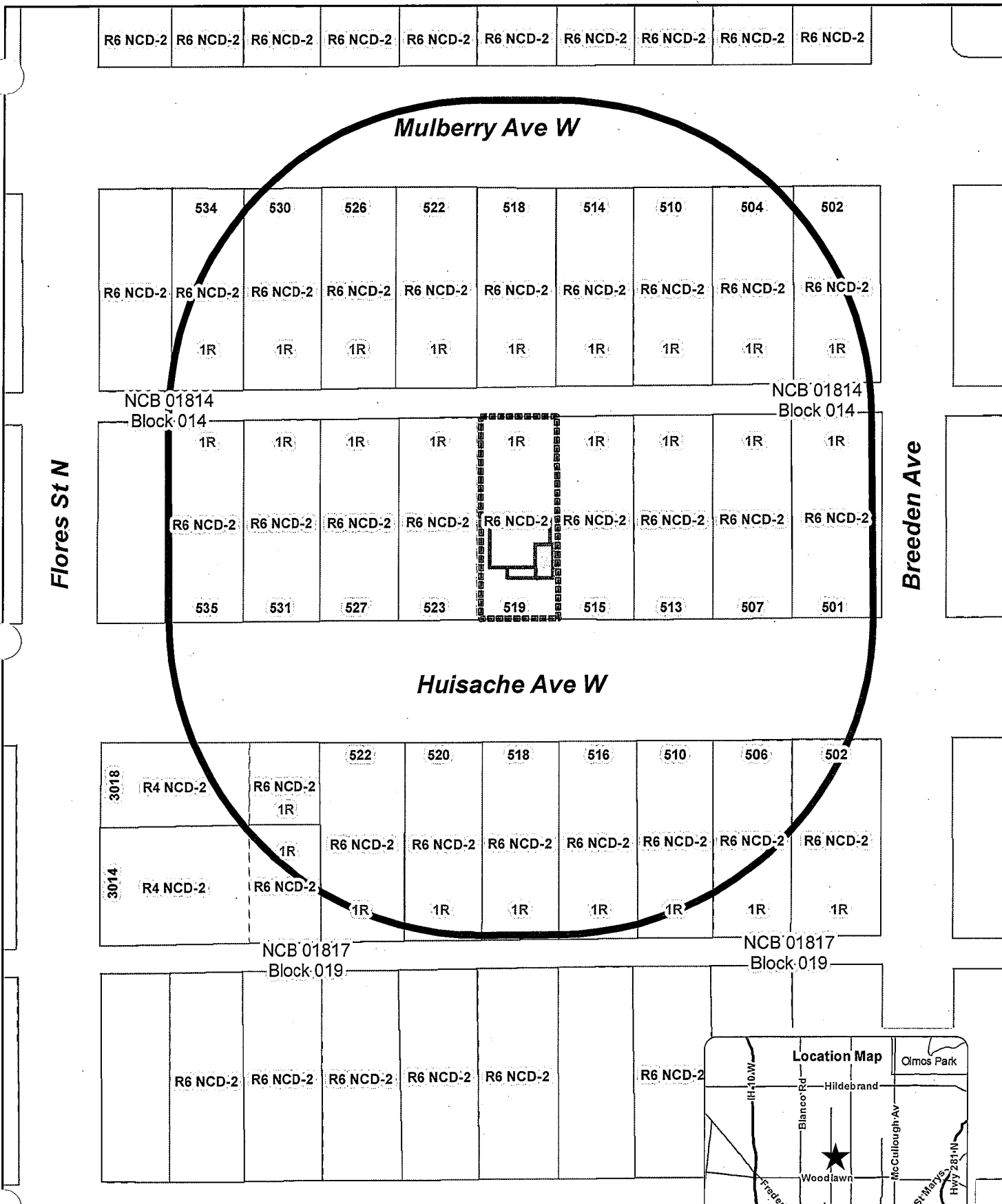
On April 2, 2007, the Board of Adjustment considered a variation of this case, however at the request of the applicant, the Board granted a postponement to allow the applicant additional time to work with the neighboring property owners. The Board granted a second postponement at their meeting on May 7th of 2007.

The applicant recently requested a rezoning of a 30-foot wide abutting tract to the south. The change (from "R-6" Residential Single-Family to "C-2" Commercial) was approved by City

Council on September 6, 2007. Property abutting the subject site on the southeast remains residentially zoned. **Therefore, the closest the proposed building would now come to a property line abutting residentially zoned property is 4 feet, 6 inches.**

Recommendation: The intent of the rear setback requirement for commercial uses is to help provide a reasonable buffer to protect abutting residences from the noise, light, and traffic typically generated by commercial uses, to allow for air flow and light penetration, and to prevent the overcrowding of lots. Due to unique conditions, a literal enforcement of the rear setback requirement would, in this case, result in unnecessary hardship. The owner of the subject property and the owner of the abutting lot have entered into a development agreement that calls for the establishment and maintenance of a 30-foot ingress/egress easement. The Unified Development Code does not require a rear setback be maintained when property zoned "C-2" or "C-3" abuts a **public** alley or other **public** right-of-way. The jointly owned 30-foot ingress/egress easement will provide a separation of uses in a manner similar to a public alley while the perpetual nature of the development agreement ensures the easement will be retained. Even though this 30-foot easement is located on abutting lots and not the subject lot, it will ensure all future structures are located more than 30 feet from the shopping center. Staff recommends **approval of a 25-foot, 6-inch variance** from the minimum 30-foot rear setback.

Case Manager: Omar Sotelo, Planner (210) 207-5018



Board of Adjustment **Notification Plan for** **Case A-07-087**



Legend

Subject Property

200' Buffer

Scale: 1" approx. = 80'

Council District 1

Produced by the City of San Antonio
Development Services Department
(08/17/2007)

Board of Adjustment - Case No. A-07-087

September 17, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, September 17, 2007** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Elva Arteaga

Lot 16, Block 14, NCB 1814

519 West Huisache Avenue

Zoned: "R-6 NCD-2" Residential Single-Family Alta Vista Neighborhood Conservation District

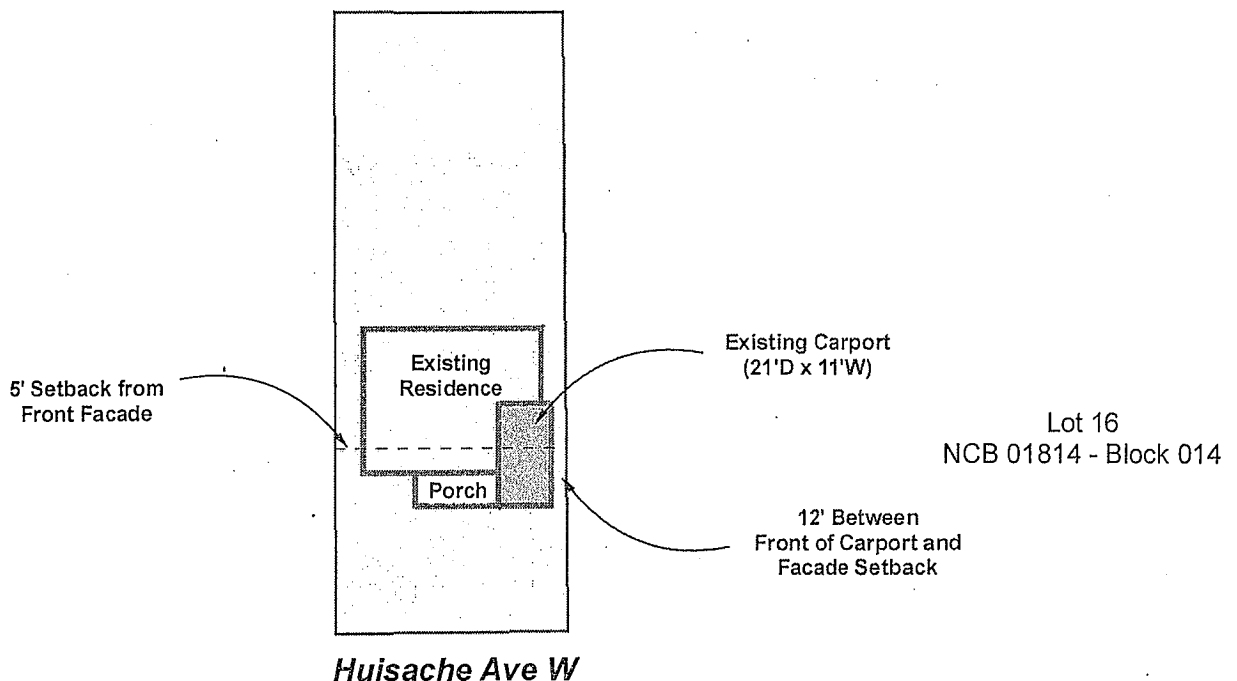
The applicant is requesting a 12-foot variance from the Unified Development Code requirement that, within the Alta Vista Neighborhood Conservation District, carports shall be located a minimum of 5 feet behind the primary residence's front façade, in order to keep an existing carport that extends 7 feet in front of the primary residence's front façade

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. To check on the status of this case, or for additional information, you may contact Case Manager David Arciniega at (210) 207-6944. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

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Board of Adjustment

**Plot Plan for
Case A-07-087**



519 Huisache Ave W

Scale: 1" approx. = 40'
Council District 1

Produced by the City of San Antonio
Development Services Department
(08/29/2007)

CASE NO: A-07-087

Board of Adjustment – September 17, 2007

Applicant: Elva Arteaga
Owner: Elva Arteaga
Request(s): A 12-foot variance from the requirement that, within the Alta Vista Neighborhood Conservation District, carports shall be located a minimum of 5 feet behind the primary residence's front façade, in order to keep an existing carport that extends 7 feet in front of the primary residence's front façade
Legal Description: Lot 16, Block 14, NCB 1814
Address: 519 West Huisache Avenue
Zoning: "R-6 NCD-2" Residential Single-Family Alta Vista Neighborhood Conservation District
Existing Use: Single-family residence
Neigh. Assoc: Alta Vista Neighborhood Association
Neigh. Plan: Midtown Neighborhoods Plan

Section of the City Code from which this variance is requested

Section 35-335 "NCD" Neighborhood Conservation District: The Alta Vista Neighborhood Conservation District requires that carports be located at least 5 feet behind the primary dwelling structure's front façade.

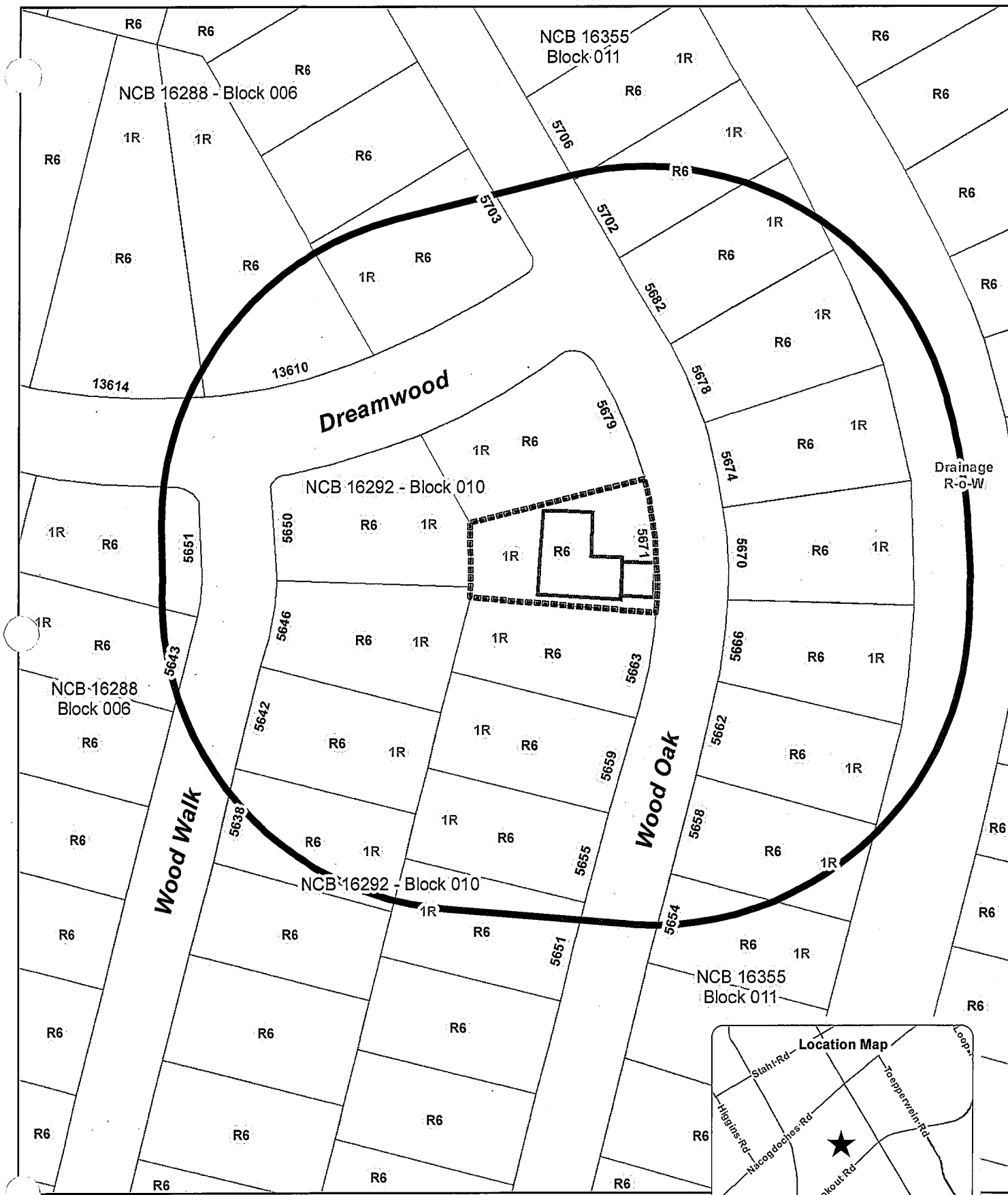
Background: The subject property is located in an established residential single-family neighborhood and is situated on the north side of West Huisache Avenue, east of North Flores Street and west of Breeden Avenue. Single-family residences surround the subject property. The subject property is in the Alta Vista Neighborhood Association. The Alta Vista Neighborhood was accepted into the NCD program during the summer/fall of 2001. In 2003, the ordinance was recommended for approval by the Zoning Commission and adopted by City Council (Ordinance #97590). All property owners within the Alta Vista NCD boundary were individually notified of all public meetings that were held to develop the NCD plan and determine design standards.

The applicant is proposing to keep an 11 X 21 square-foot carport which extends 7 feet in *front* of the primary residence's front façade. This carport was built without a building permit and was issued a citation on March 9, 2004. The investigation was initiated as the result of a citizen complaint. On June 7, 2004, the applicant presented this same variance, in addition to two other variance requests, to the Board of Adjustment for consideration: Case Number A-04-053. The Board of Adjustment denied the applicant's requests. After denial by the Board, The Planning and Community Development Department Staff met several times with the applicant with alternate design solutions to the design problems of this project and allowed the applicant adequate time to correct the violations. Upon discovery of the continued existence of the violations, the Planning and Community Development requested a Stop Work Order be placed on the project.

The applicant is proposing this first variance request to keep the same existing carport 7 feet in *front* of the primary residence's front façade. The applicant wishes to have the other two variance requests considered by the Board at a later date.

Recommendation: While the addition of carports in the district was a recent trend (prior to the adoption of the Alta Vista NCD), the condition is not in keeping with the original character of the neighborhood. During the ordinance development, the community recognized this trend and made a concerted effort to acknowledge the building characteristic, but respect the original design features in the neighborhood. By allowing carports to be constructed, but recessed from the front façade, thereby visually de-emphasizing the carports along the neighborhood streetscape, the community struck a balance between recent building trends and the original architectural features of the district. An alternate solution of creating additional porch space within the area currently being used as a carport has been offered to the applicant in the past. This solution is still viable and would not require application for a variance to the Board of Adjustment. Staff recommends **denial** of this variance request.

Case Manager: David Arciniega, Planner (210) 207-6944



Board of Adjustment

**Notification Plan for
Case A-07-088**



Legend

Subject Property 
200' Notification Buffer 

Scale: 1" approx. = 80'
Council District 10

Produced by the City of San Antonio
Development Services Department
(08/17/2007)

Board of Adjustment - Case No. A-07-088

September 17, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, September 17, 2007** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Jean Morgan
Lot 29, Block 10, NCB 16292
5671 Wood Oak
Zoned: "R-6" Residential Single-Family District

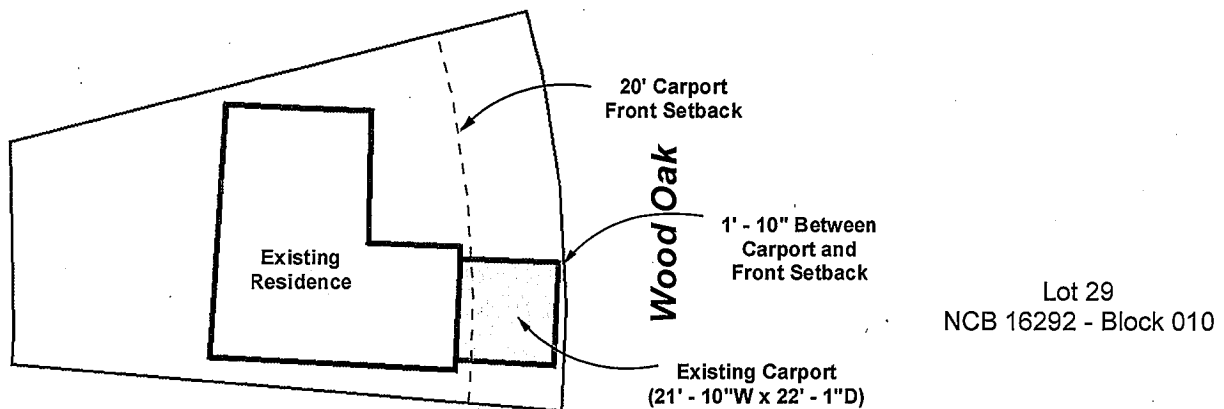
The applicant is requesting an 18-foot, 2-inches variance from the Unified Development Code requirement that a minimum 20-foot front setback be maintained for front entry carports, in order to keep an existing carport 1 foot-10 inches from the front property line.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. To check on the status of this case, or for additional information, you may contact Case Manager Omar Sotelo at (210) 207-5018. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

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Board of Adjustment

**Plot Plan for
Case A-07-088**



Scale: 1" approx. = 40'
Council District 10

5671 Wood Oak

Produced by the City of San Antonio
Development Services Department
(08/17/2007)

CASE NO: A-07-088

Board of Adjustment – September 17, 2007

Applicant: Jean Morgan
Owner: Jean Morgan
Request(s): An 18-foot, 2-inch variance from the minimum 20-foot front setback required for front entry carports, in order to keep an existing carport 1 foot, 10 inches from the front property line
Legal Description: Lot 29, Blk 10, NCB 16292
Address: 5671 Wood Oak
Zoning: "R-6" Residential Single-Family District
Existing Use: Single-family residence
Neigh. Assoc: Woodstone Neighborhood Association
Neigh. Plan: None

Section of the City Code from which this variance is requested:

Section 35-516 Carport and Garage Setbacks: A 20-foot front setback is required between the back of the sidewalk or the property line and a front entry garage or carport.

Background: The subject property is located in an established single-family residential neighborhood on the City's northeast side, south of the intersection of Dreamwood Drive and Wood Oak. The applicant started to build a carport over the existing driveway without the required building permit. This carport encroaches into the front setback which is 20-feet from the back of the sidewalk; the carport was constructed at only 1 foot, 10 inches from the back of the sidewalk. The home on the subject property was originally constructed with a double-car garage along the front of the residence, which has since been converted into living space.

Recommendation: The intent of the front setback requirement for carports and garages is to maintain 20 feet of space to allow for additional off-street parking so that vehicles do not encroach into the sidewalk, right-of-way or into the street. This lot does not appear to be characterized by unique terrain features where literal enforcement of the front setback requirement would result in unnecessary hardship. While the lot is irregularly shaped and an alley for rear automobile entry does not exist, the existing carport encroaches deeply into the front setback and a previously existing attached garage was enclosed. While Staff recognizes the desire of San Antonio residents to protect/cover their automobiles, we also note that a carport encroachment as requested is out of character with the existing neighborhood conditions. Staff recommends **denial** of the requested variance.

Case Manager: Omar Sotelo, Planner (210) 207-5018

CITY OF SAN ANTONIO

5671 Milk Oct 20

Deben

270-363

Date of Birth

Driver's License No.:

6

on above premises

☐ A Permit is required to build Carport.
☐ Carport is within of front yard set back.
☐ Apply for a variance or Remove to (off from property line

Section of Code violated: 2007 ILC 105.1

You are hereby notified to remedy the conditions as stated above within 5 (days) (~~hours~~) from the date of service of this notice or show cause why you should not be required to do so. If, at the expiration of this time, the same conditions exists and no cause aforesaid be shown, such further action will be taken as the law requires.

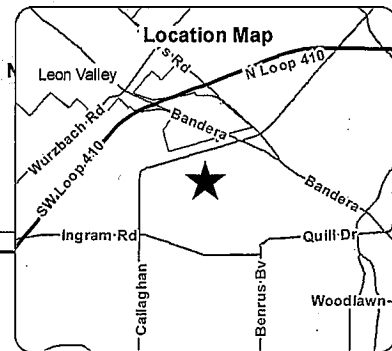
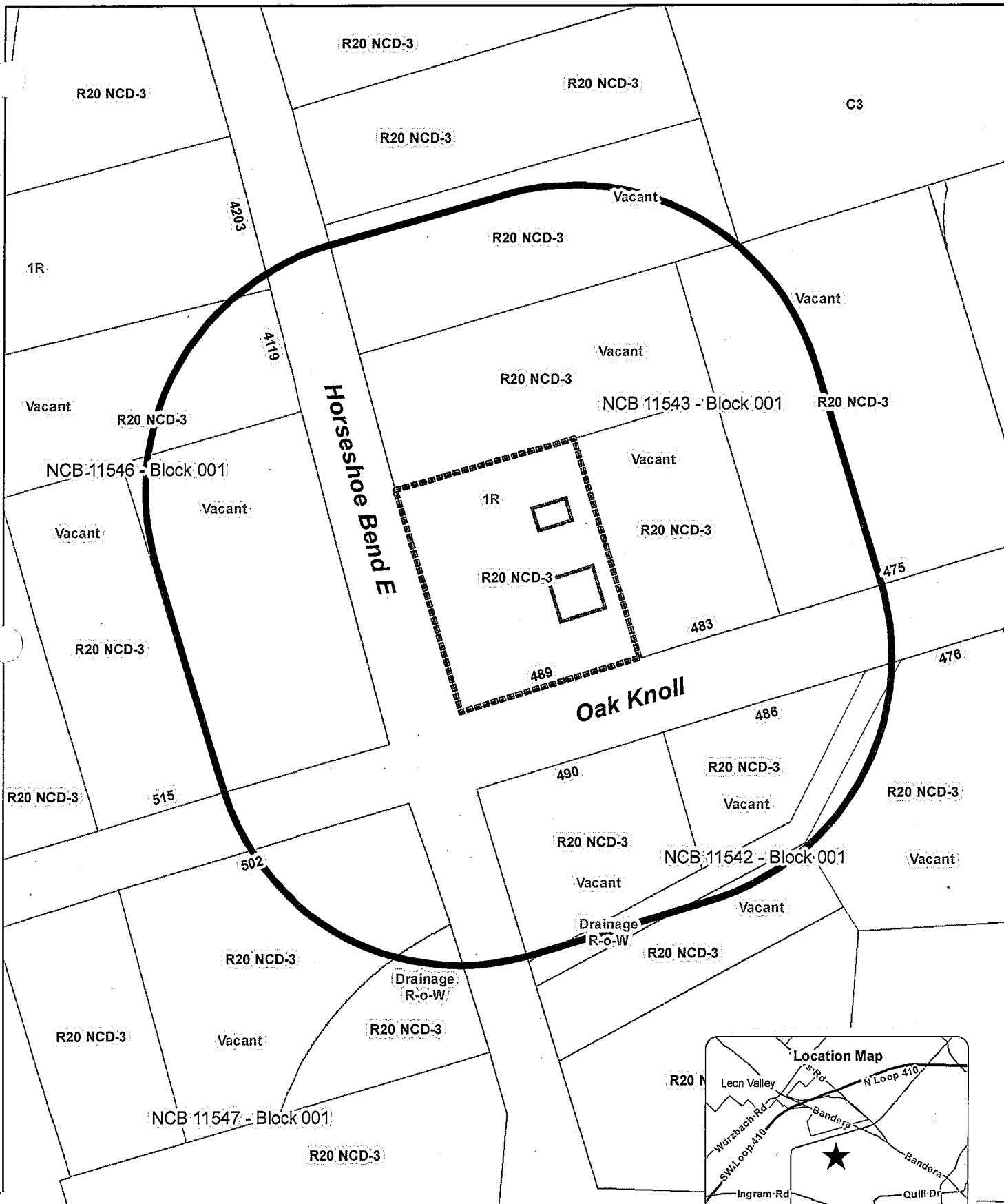
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By Order of the Director

By Order of the Director
S. J. V. G. 11221167156

- 06 Mechanical Code
06 Building Code
10 Electrical Code

- 24 Plumbing Code
- 28 Signs & Billboards (Posting, Carrying, Etc.)
- 35 Zoning Regulations (City Code)
- 35 Landscape
- 35 Tree Preservation



Board of Adjustment

**Notification Plan for
Case A-07-089**



Legend

Subject Property
200' Notification Buffer

Scale: 1" approx. = 100'
Council District 7

Produced by the City of San Antonio
Development Services Department
(08/24/2007)

Board of Adjustment - Case No. A-07-089

September 17, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, September 17, 2007** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Xenia Q. Aguilar

Lot 99, Block E, NCB 11543

489 Oak Knoll Drive

Zoned: "R-20 NCD-3" Residential Single-Family Ingram Hills Neighborhood Conservation District

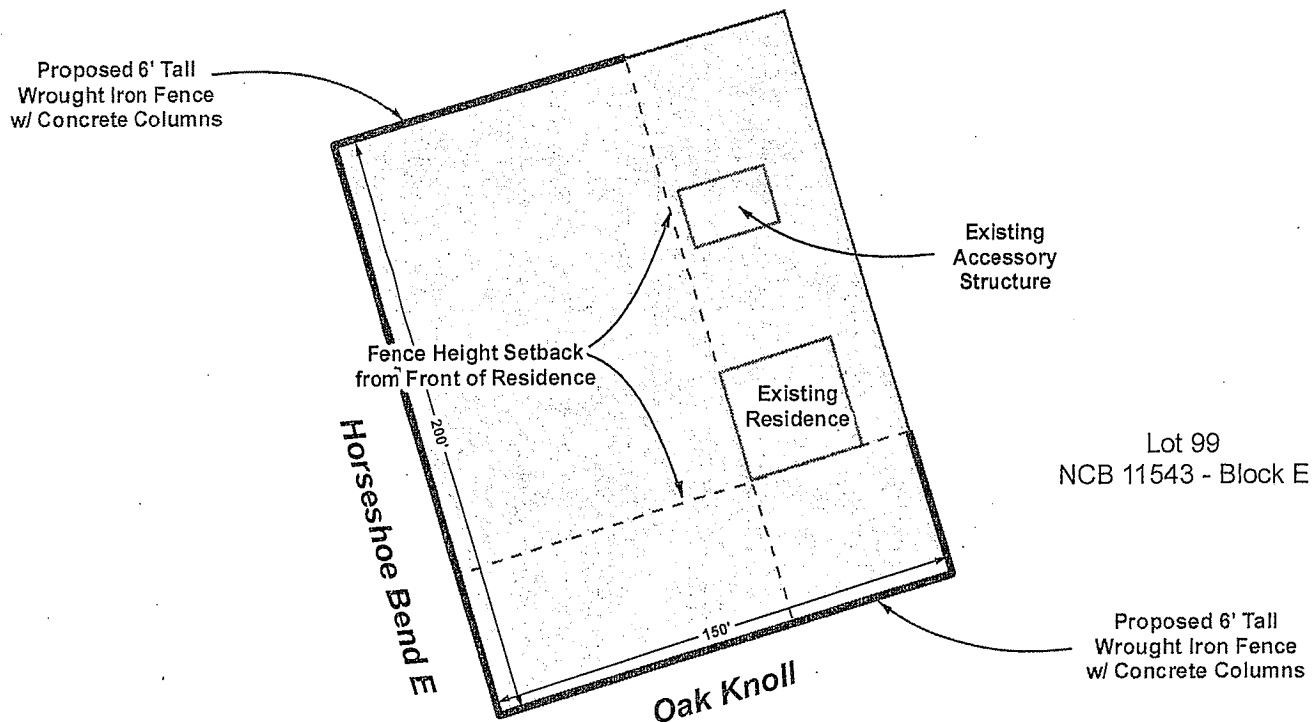
The applicant is requesting a 2-foot variance from the Unified Development Code requirement that predominately open fences in front yards be no taller than 4 feet in order to erect a 6-foot tall predominately open fence in the front yard

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. To check on the status of this case, or for additional information, you may contact Case Manager David Arciniega at (210) 207-6944. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

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Board of Adjustment
Plot Plan for
Case A-07-089



Scale: 1" approx. = 60'
Council District 7

489 Oak Knoll

Produced by the City of San Antonio
Development Services Department
(08/29/2007)

CASE NO: A-07-089

Board of Adjustment – September 17, 2007

Applicant: Xenia Q. Aguilar
Owner: Xenia Q. Aguilar
Request(s): A 2-foot variance from the requirement that predominately open fences in front yards be no taller than 4 feet in order to erect a 6-foot tall predominately open fence in the front yard
Legal Description: Lot 99, Block E, NCB 11543
Address: 489 Oak Knoll Drive
Zoning: "R-20 NCD-3" Residential Single-Family Ingram Hills Neighborhood Conservation District
Existing Use: Single-family residence
Neigh. Assoc: Ingram Hills Neighborhood Association
Neigh. Plan: Woodland Hills Plan

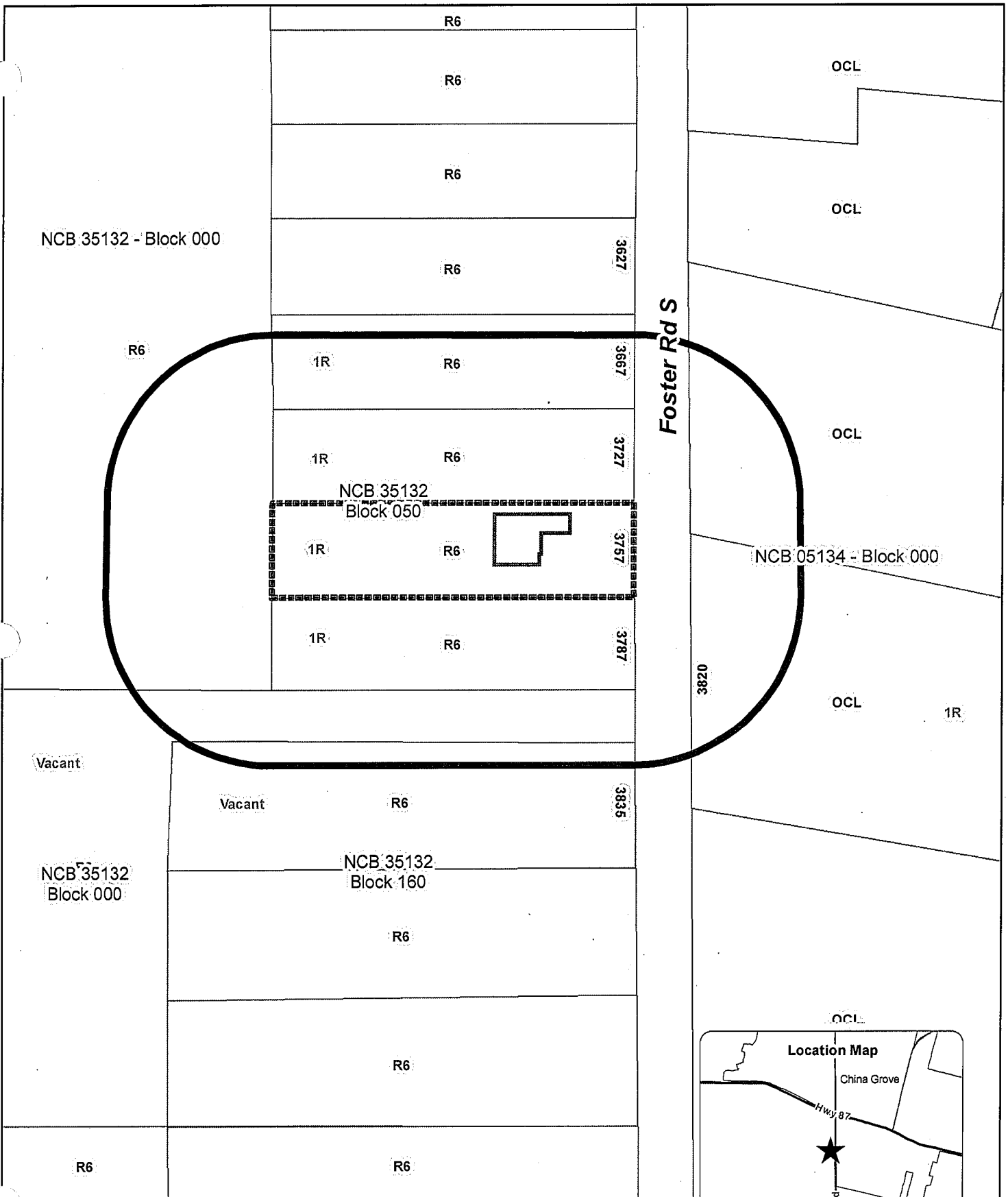
Section of the City Code from which this variance is requested

35-514 Fences and Walls: No fence shall be erected or altered in any front yard (that area extending the full width of a lot between the front lot line and the nearest principal structure) to exceed a height of 4 feet with the fence or wall to be so constructed that vision will not be obscured above a height of 3 feet.

Background: The subject property is located in a residential single-family neighborhood and is situated on the northeast corner of the intersection of East Horseshoe Bend and Oak Knoll Drive, south of Callaghan Road and west of Bandera Road. Single-family residences with a minimum lot size of 20,000 square feet surround the subject property. The applicant is proposing to erect a 6-foot tall predominantly open fence in the front yard. As the fence is proposed to be located, it will not create a visual obstruction.

Recommendation: The intent of the maximum fence height requirement in front yards is to allow property owners to screen and secure their property while also maintaining openness, air flow, light penetration, neighborhood uniformity and safe visual clearance. In addition, fence height in front yards is limited because the presence can detract from the streetscape and pedestrian friendliness of a neighborhood. However, in consideration of the surrounding large acre tract residential lots, a large number of existing 6-foot tall ornamental iron fences in the front yards along Oak Knoll Drive and the minimal impact it appears the proposed fence would have on the adjacent residential properties, it appears the proposed fence would still observe the spirit and intent of the ordinance. Furthermore, the size and scale of the proposed fence is consistent with existing conditions in the neighborhood. Staff recommends **approval** of the variance request.

Case Manager: David Arciniega, Planner (210) 207-6944



Board of Adjustment

Notification Plan for Case A-07-090



Legend

Subject Property ■■■■■■
200' Notification Buffer —————

Scale: 1" approx. = 150'
Council District 2

Produced by the City of San Antonio
Development Services Department
(08/24/2007)

Board of Adjustment - Case No. A-07-090

September 17, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, September 17, 2007** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Olga Johnson
Lot 9, Block 50, NCB 35132
3757 South Foster Road
Zoned: "R-6" Residential Single-Family District

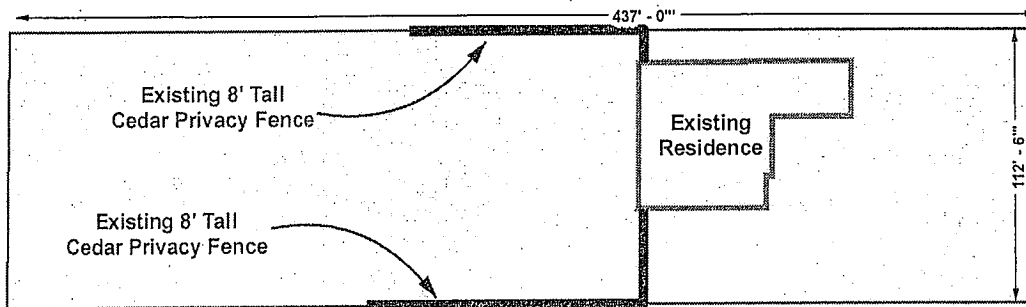
The applicant is requesting a 2-foot variance from the Unified Development Code requirement that solid screen fences in side and rear yards be no taller than 6 feet in order to keep an 8-foot tall solid screen fence in the side and rear yards

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. To check on the status of this case, or for additional information, you may contact Case Manager David Arciniega at (210) 207-6944. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

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The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

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Foster Rd S

Lot 9
NCB 35132N - Block 050

Board of Adjustment

3757 Foster Rd S

**Plot Plan for
Case A-07-090**



Scale: 1" approx. = 80'
Council District 2

Produced by the City of San Antonio
Development Services Department
(08/24/2007)

CASE NO: A-07-090

Board of Adjustment – September 17, 2007

Applicant: Olga Johnson
Owner: Olga Johnson
Request(s): A 2-foot variance from requirement that solid screen fences in side yards be no taller than 6 feet in order to keep an 8-foot tall solid screen fence in the side yard
Legal Description: Lot 9, Block 50, NCB 35132N
Address: 3757 South Foster Road
Zoning: "R-6" Residential Single-Family District
Existing Use: Single-family residence
Neigh. Assoc: None
Neigh. Plan: None

Section of the City Code from which this variance is requested

35-514 Fences and Walls: No fence or wall, other than the wall of a permitted structure, shall be erected or altered in any side or rear yard to exceed a height of 6 feet.

Background: The subject 1.1280-acre tract lies in a rural setting outside of Southeast Loop 410, and is situated on the west side of South Foster Road, north of New Sulphur Springs Road and south of Rigsby Avenue. The City of China Grove lies east of the subject property. Two single-family residentially zoned parcels abut to the north and south of the subject property. The single family residence on the subject property is situated approximately 150 feet from the front property line. An 8-foot tall solid screen fence lies approximately 195 feet from the street and extends 80 feet on both side property lines toward the rear of the property. This 8-foot tall solid screen fence was built without the required building permit. The investigation was initiated as the result of a citizen complaint.

Recommendation: The intent of the maximum fence height requirement in rear and side yards is to allow for property owners' desired privacy, while also allowing for openness, air flow, light penetration, and neighborhood uniformity. A 6-foot tall solid screen fence is typically deemed sufficient to provide the desired screening between residences. However, in consideration of the rural setting, surrounding large acre tract residential lots, the 150-foot front setback of the residence, the 195-foot setback of this fence from the street and the minimal impact it appears the subject fence has on the surrounding residential properties, it appears the subject fence still observes the spirit and intent of the ordinance. Furthermore, the size and scale of the subject fence is consistent with the abutting property to the south. Staff recommends **approval** of the variance request.

Case Manager: David Arciniega, Planner (210) 207-6944

Board of Adjustment - Case No. A-07-091

September 17, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, September 17, 2007** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Newmark Homes, LLP

Lot 8, Block 50, NCB 16334

18831 Salado Canyon

Zoned: PUD "R-6" ERZD Planned Unit Development Residential Single-Family, Edwards Recharge Zone District

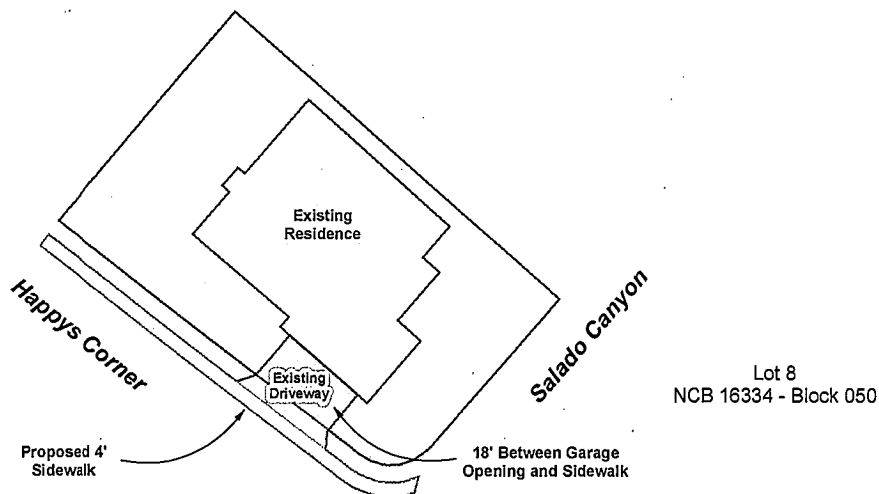
The applicant is requesting a 2-foot variance from the Unified Development Code requirement that a minimum 20-foot front setback be maintained for front entry garages, in order to keep a garage which is under construction at 18-feet from the back of the sidewalk.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. To check on the status of this case, or for additional information, you may contact Case Manager Omar Sotelo at (210) 207-5018. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

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Board of Adjustment

**Plot Plan for
Case A-07-091**



18831 Salado Canyon

Scale: 1" approx. = 40'
Council District 9

Produced by the City of San Antonio
Development Services Department
(08/23/2007)

CASE NO: A-07-091

Board of Adjustment – September 17, 2007

Applicant: Newmark Homes, LLP
Owner: Newmark Homes, LLP
Request(s): A 2 foot variance from the requirement that a minimum 20-foot setback be maintained for front entry garages, in order to keep a garage 18 feet from the back of the sidewalk
Legal Description: Lot 8, Blk 50, NCB 16334
Address: 18831 Salado Canyon
Zoning: PUD "R-6" ERZD Planned Unit Development Residential Single-Family Edwards Recharge Zone District
Existing Use: Single-family residence
Neigh. Assoc: None
Neigh. Plan: None

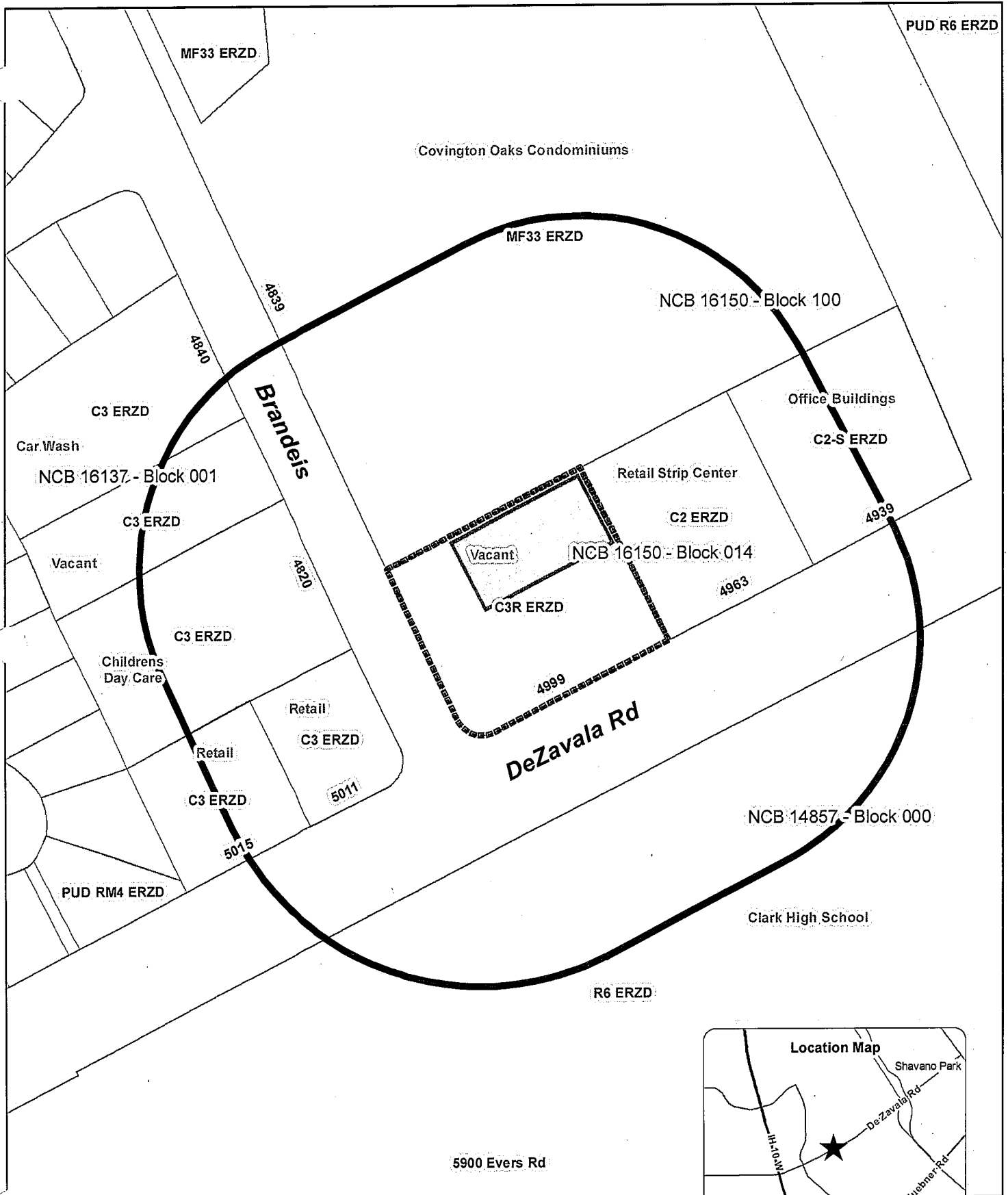
Section of the City Code from which this variance is requested:

Section 35-516 Setback and Frontage Regulations: There shall be a minimum of twenty (20) feet between the back of a sidewalk or the property line and a front entry garage or carport.

Background: The subject property is located in a new single-family residential neighborhood on the City's north side. It is situated on the northwest corner of Salado Canyon and Happy Corner. The single-family residence on this lot is under construction and a permit was issued in oversight (AP # 1377130), showing the garage to be 18 feet from the back of the sidewalk.

Recommendation: The intent of the setback requirement for carports and garages is to maintain 20 feet of space to allow for additional off-street parking so that vehicles do not encroach into the sidewalk, right-of-way or into the street. This lot does not appear to be characterized by unique terrain features where literal enforcement of the garage setback requirement would result in unnecessary hardship. Staff recommends **denial** of the requested variance.

Case Manager: Omar Sotelo, Planner (210) 207-5018



Board of Adjustment

**Notification Plan for
Case A-07-092**



Legend

Subject Property 
200' Notification Buffer 

Scale: 1" approx. = 100'
Council District 8

Produced by the City of San Antonio
Development Services Department
(08/24/2007)

Board of Adjustment - Case No. A-07-092

September 17, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, September 17, 2007** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Jeffrey Carroll

Lot 31, Block 14, NCB 16150

4999 De Zavala Road

Zoned: "C-3R ERZD" General Commercial Restrictive Alcohol Sales Edwards Recharge Zone District

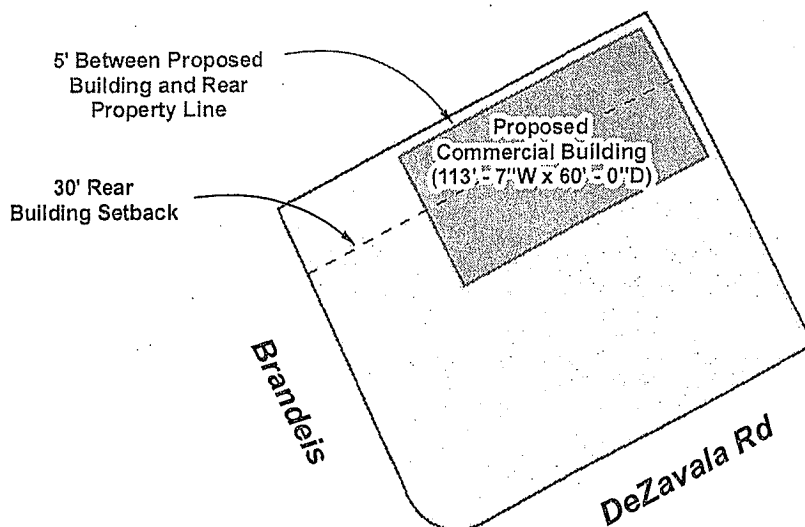
The applicant is requesting a 25-foot variance from the Unified Development Code requirement that a minimum 30-foot rear setback is required in "C-3" zoning districts when abutting a residential use or residential zoning district, in order to construct a building 5 feet from the rear property line

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. To check on the status of this case, or for additional information, you may contact Case Manager David Arciniega at (210) 207-6944. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

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Lot 31
NCB 16150 - Block 014

Board of Adjustment

**Plot Plan for
Case A-07-092**



Scale: 1" approx. = 80'
Council District 8

4999 DeZavala Rd

Produced by the City of San Antonio
Development Services Department
(08/23/2007)

CASE NO: A-07-092

Board of Adjustment – September 17, 2007

Applicant: Jeffrey Carroll

Owner: Penntex Partnerships LP

Request(s): A 25-foot variance from the minimum 30-foot rear setback required in "C-3" zoning districts when abutting a residential use or residential zoning district, in order to construct a building 5 feet from the rear property line

Legal Description: Lot 31, Block 14, NCB 16150

Address: 4999 De Zavala Road

Zoning: "C-3R ERZD" General Commercial Restrictive Alcohol Sales Edwards Recharge Zone District

Existing Use: Undeveloped land

Neigh. Assoc: None

Neigh. Plan: None

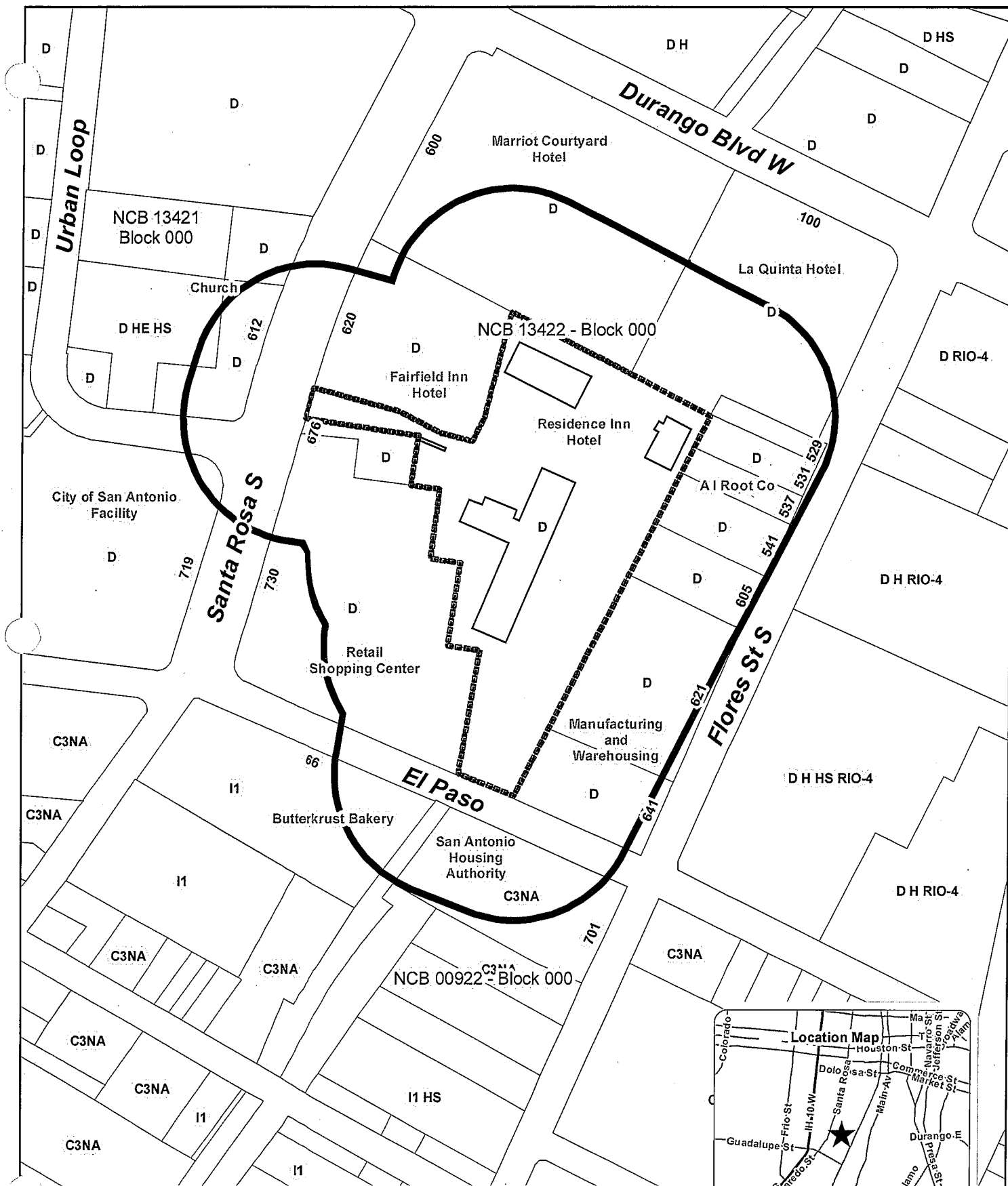
Section of the City Code from which this variance is requested

Section 35-310 Zoning District Purpose Statements and Design Regulations: A minimum 30-foot rear setback is required in "C-3" zoning districts when abutting a residential use or residential zoning district.

Background: The subject property is located on the City's far northwest side. This vacant lot is situated on the northeast corner of the intersection of De Zavala Road and Brandeis Drive. The property to the north is occupied by an apartment complex. The property to the south (across the street) is Thomas C. Clark High School, and properties existing to the west and east are zoned for commercial use. The applicant is proposing to construct 16,320 square feet of retail space on the subject property. As planned, a portion of the single building would be constructed within 5 feet of the rear property line, thereby encroaching into the 30-foot rear setback.

Recommendation: The intent of the rear setback requirement for commercial uses is to help provide a reasonable buffer to protect abutting residences from the noise, light, and traffic typically generated by commercial uses, to allow for air flow and light penetration, and to prevent the overcrowding of lots. This lot does not appear to be characterized by any unique terrain features where literal enforcement of the rear setback requirement would result in unnecessary hardship. Staff recommends **denial** of the requested variance.

Case Manager: David Arciniega, Planner (210) 207-6944



Board of Adjustment
Notification Plan for
Case A-07-094



Legend
 Subject Property [thick black line]
 200' Buffer [dashed line]

Scale: 1" approx. = 200'
 Council District 1

Produced by the City of San Antonio
 Development Services Department
 (08/27/2007)

Board of Adjustment - Case No. A-07-094

September 17, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, September 17, 2007** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Hotel Properties of Texas, LP
Lot 7, NCB 13422
628 South Santa Rosa Street
Zoned: "D" Downtown District

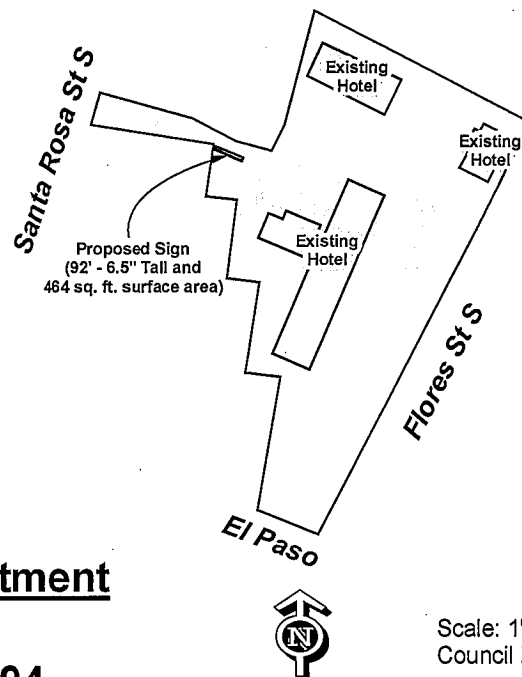
The applicant is appealing the decision of the Chief Sign Inspector to issue a stop work order for the removal of an on-premise free-standing pole sign, and the interpretation of 28-245 by the Chief Sign Inspector that the removal of an on-premise freestanding sign cabinet from a nonconforming sign, without first obtaining the proper approvals, resulted in the termination of nonconforming rights to the sign.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. To check on the status of this case, or for additional information, you may contact Case Manager Omar Sotelo at (210) 207-5018. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

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Lot 7
NCB 13422 - Block 000

Board of Adjustment

**Plot Plan for
Case A-07-094**

628 Santa Rosa S

Scale: 1" approx. = 250'
Council District 1

Produced by the City of San Antonio
Development Services Department
(08/27/2007)

CASE NO: A-07-094**Board of Adjustment – September 17, 2007**

Applicant: Hotel Properties of Texas, LP

Owner: White Lodging

Request(s): An appeal of the decision of the Chief Sign Inspector to issue a stop work order for the removal of an on-premise free-standing sign cabinet, and the interpretation of 28-245 by the Chief Sign Inspector that the removal of an on-premise freestanding sign cabinet from a nonconforming sign, without first obtaining the proper approvals, resulted in the termination of nonconforming rights to the sign

Legal Description: Lot 7, NCB 13422

Address: 628 South Santa Rosa Street

Zoning: "D" Downtown District

Existing Use: Hotel/Motel

Neigh. Assoc: King William Association

Neigh. Plan: Downtown Plan

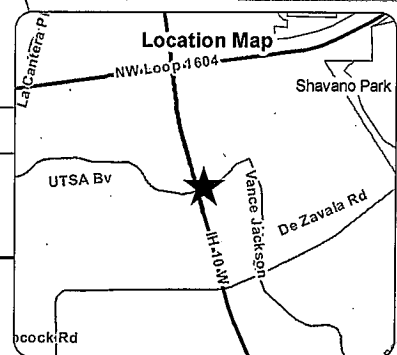
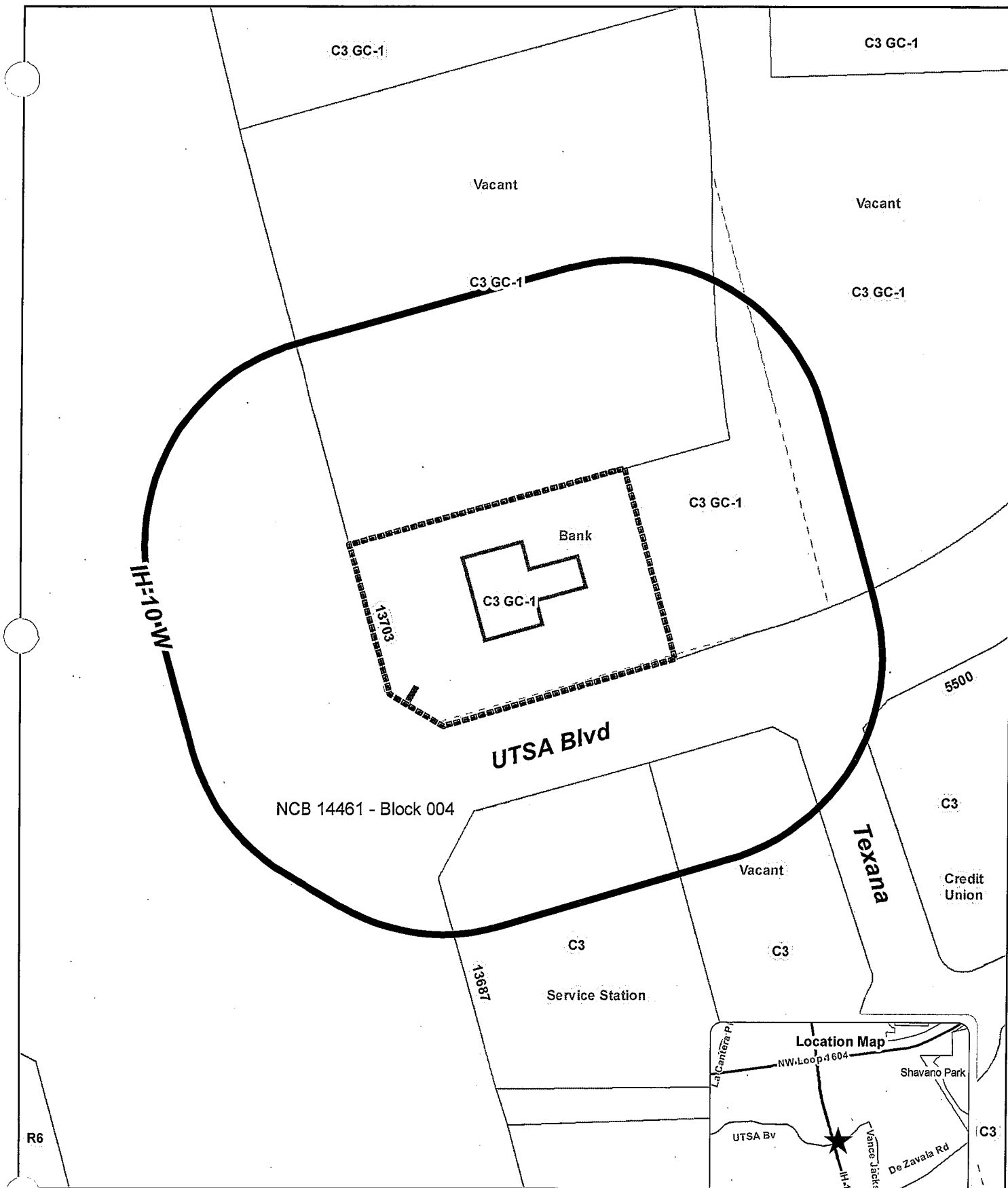
Section of the City Code justifying this request

Section 28-246 Appeals and variances to Article IX of Chapter 28 of the City Code: Any decision based on an interpretation of Article IX made by the Chief Sign Inspector may be appealed to the Board of Adjustment. After hearing the parties, the Board shall make a recommendation to the Director of Development Services to either uphold or to modify the inspector's decision.

Background: The subject property is located on the west side of Downtown. A Marriott Fairfield Inn hotel and a Marriott Residence Inn hotel currently occupy the subject property. An existing on-premise free-standing pole sign is oriented to the lot's interior off Santa Rosa Street. Santa Rosa Street is classified as an Arterial Type A. Chapter 28, Section 239(c) table 2 sets a maximum sign height of 40 feet and maximum sign cabinet square footage of 240 square feet for this street classification. The subject pole sign is 90 feet tall and supported two sign cabinets. The applicant removed one of the sign cabinets without obtaining permits. This case was brought before the Board of Adjustment earlier this year as a variance request from the height and square footage requirements, but was postponed for further investigation of the Board's authority regarding nonconforming rights.

Recommendation: The removal of one of the sign cabinets from the structure, without proper approval from the City of San Antonio, resulted in the loss of nonconforming rights. The loss of nonconforming rights prevents rebuilding the sign without conforming to current sign and billboard standards (see Section 28-245.a.1). It does not appear that the applicant has provided convincing evidence that the Chief Sign Inspector erred in the decision. Staff recommends that the Board recommend to **uphold** the Chief Sign Inspector's decision.

Case Manager: Omar Sotelo, Planner (210) 207-5018
David Simpson, Chief Sign Inspector (210) 207-8289



Board of Adjustment

Notification Plan for
Case A-07-095



Legend

Subject Property ■■■■■■
200' Notification Buffer ————

Scale: 1" approx. = 120'
Council District 8

Produced by the City of San Antonio
Development Services Department
(08/24/2007)

Board of Adjustment - Case No. A-07-095

September 17, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, September 17, 2007** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – NW Signs

Lot 1, Block 12, NCB 15825

13703 IH 10 West

Zoned: "C-3 ERZD GC-1" General Commercial, Edwards Recharge Zone, Hill Country Gateway Corridor Overlay District

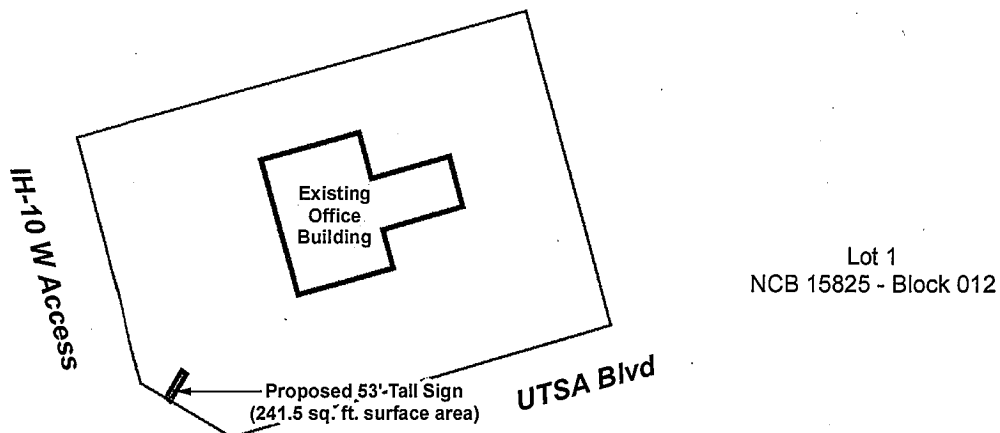
The applicant is requesting 1) an 18-foot variance from the Unified Development Code requirement that single tenant, free-standing, on-premise signs on property fronting an expressway and within the Hill Country Gateway Corridor Overlay District shall not exceed an overall height of 35 feet, in order to erect a 53-foot tall single tenant, free-standing, on-premise sign, and 2) a 41.5 square-foot variance from the Unified Development Code requirement that the sign face area of a single tent, free standing, on-premise sign on property fronting and expressway and with in the Hill Country Gateway Corridor Overlay District shall not exceed 200 square feet, in order to install a 241.5 square foot single tenant, free-standing, on-premise sign.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. To check on the status of this case, or for additional information, you may contact Case Manager Omar Sotelo at (210) 207-5018. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

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Board of Adjustment

Plot Plan for
Case A-07-095



Scale: 1" approx. = 100'
Council District 8

13703 IH-10 W

Produced by the City of San Antonio
Development Services Department
(09/07/2007)

CASE NO: A-07-095

Board of Adjustment – September 17, 2007

Applicant: NW Signs

Owner: RLJ II-R San Antonio, L.P

Request(s): 1) an 18-foot variance from the requirement that single-tenant, free-standing on-premise signs on property fronting an expressway and within the Hill Country Gateway Corridor Overlay District shall not exceed an overall height of 35 feet, in order to erect a 53-foot tall single-tenant, free-standing on-premise sign, and
2) A 41.5 square-foot variance from the requirement that the sign face area of a single-tenant, free-standing on-premise sign on property fronting an expressway and within the Hill Country Gateway Corridor Overlay District shall not exceed 200 square feet, in order to install a 241.5 square foot single-tenant, free-standing on-premise sign.

Legal Description: Lot 1, Blk 12, NCB 15825

Address: 13703 IH-10 West

Zoning: "C3 ERZD GC-1" General Commercial, Edwards Recharge Zone, Hill Country Gateway Corridor Overlay District

Existing Use: Wachovia Bank

Neigh. Assoc: None

Neigh. Plan: Hill Country Gateway Corridor District Plan

Section of the City Code from which these variances are requested

Section 35-339.01 Corridor Districts, and Ordinance #97656: Single-tenant, on-premises signage along expressways shall be no taller than 35 feet in height and 200 square feet in sign face area.

Background: A Wachovia Bank currently occupies the subject property and is located on the northwest side of the city at the northeast corner of IH-10 West and UTSA Boulevard. In 2003, City Council adopted the Hill Country Gateway Corridor Overlay District to protect, preserve and enhance the northwest entrance to San Antonio. An existing free-standing sign is oriented to the IH-10 West Expressway and stands 26 feet, 3 inches tall with a sign face area of 90 square feet. The applicant indicated they are requesting these variances to provide better visibility and overall economic growth impact.

Recommendation: The Corridor Overlay Districts were created to "reduce visual chaos and limit visual distractions along public roadways, to enhance San Antonio's image as a progressive, scenic, and livable community, and to prevent the despoliation of views of areas and buildings that reflect important elements of the City's cultural, natural, historic and economic fabric". The sign standards of the Hill Country Gateway Corridor Overlay District were adopted by City Council after several public meetings were held to receive and incorporate public input from residents, property owners, developers and stakeholders into the design standards and ordinance.

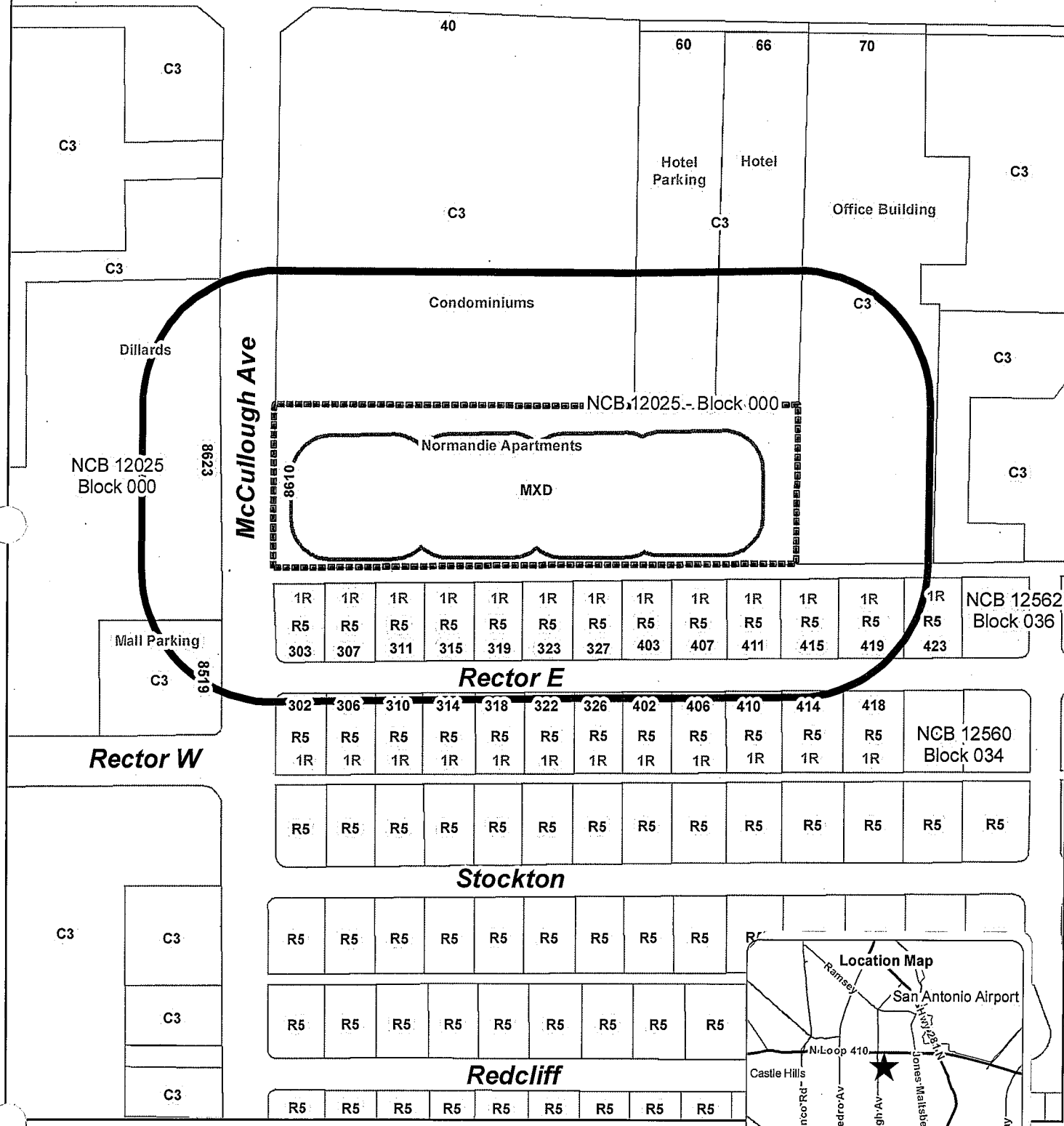
The existing sign on the subject property is 26 feet, 3 inches tall with 90 square feet of sign face area. Single tenant signs within this corridor are allowed to be 35 feet tall with 200 square feet of sign face

area; the applicant still has 8 feet 9 inches to raise the sign per code and bring it out of the topographical elements (above the trees), and 110 square feet to expand the existing sign face, and still maintain the appropriate design standards.

Based on the above findings, it appears that literal enforcement of the ordinance will not cause an unnecessary hardship for the property. Additionally, the business of the property owner is well known throughout the community and the more restrictive signage standards should not significantly affect this business. Staff recommends **denial** of the requested variances.

Case Manager: Omar Sotelo, Planner (210) 207-5018

Loop 410 NW





Board of Adjustment

Notification Plan for
Case A-07-096



Legend

Subject Property 
200' Notification Buffer 

Scale: 1" approx. = 200'
Council District 1

Produced by the City of San Antonio
Development Services Department
(08/30/2007)

Board of Adjustment - Case No. A-07-096

September 17, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, September 17, 2007** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Brown P.C.

Lot 39 and the north irregular 25.76 feet of the east 520.13 feet of the west 1311.72 feet of the adjacent alley, NCB 12025

8610 McCullough Avenue

Zoned: "MXD" Mixed Use District

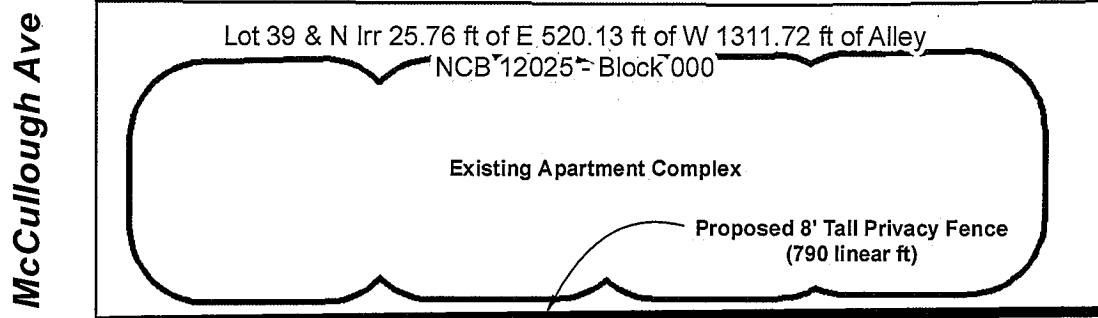
The applicant is requesting 1) a 2-foot variance from the Unified Development Code requirement that solid screen fences in side and rear yards be no taller than 6 feet, in order to erect an 8-foot tall solid screen fence on the southern boundary of the subject property, and 2) a 5-foot variance from the Unified Development Code requirement that solid screen fences in front yards be no taller than 3 feet, in order to erect the same 8-foot tall solid screen fence in the front yard.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. To check on the status of this case, or for additional information, you may contact Case Manager Omar Sotelo at (210) 207-5018. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

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Whether or not you attend this public hearing, please complete and return the enclosed card to the Development Services Department, 1901 South Alamo, San Antonio, Texas 78204-3966. Thank you.



Board of Adjustment

**Plot Plan for
Case A-07-096**



8610 McCullough Ave

Scale: 1" approx. = 150'
Council District 1

Produced by the City of San Antonio
Development Services Department
(08/24/2007)

CASE NO: A-07-096**Board of Adjustment – September 17, 2007**

Applicant: Brown, P.C.

Owner: NFManagement

Request(s): 1) a 2-foot variance from the requirement that solid screen fences in side and rear yards be no taller than 6 feet, in order to erect an 8-foot tall solid screen fence on the southern boundary of the subject property, and
2) a 5-foot variance from the requirement that solid screen fences in front yards be no taller than 3 feet, in order to erect the same 8-foot tall solid screen fence in the front yard

Legal Description: Lot 39 and the north irregular 25.76 feet of the east 520.13 feet of the west 1311.72 feet of the adjacent alley, NCB 12025

Address: 8610 McCullough Avenue

Zoning: "MXD" Mixed Use District

Existing Use: Vacant apartment complex

Neigh. Assoc: Shearer Hills – Ridgeview Neighborhood Association

Neigh. Plan: North Central Community Plan

Section of the City Code from which these variances are requested

Section 35-514 Fences and Walls: No fence shall be erected or altered in any front yard (that area extending the full width of a lot between the front lot line and the nearest principal structure) to exceed a height of four (4) feet with the fence or wall to be so constructed that vision will not be obscured above a height of three (3) feet. No fence shall be erected or altered in any side or rear yard to exceed a height of six (6) feet.

Background: The subject property is situated on the east side of McCullough Avenue just inside of Northeast Loop 410, and is zoned "MXD" (Mixed Use District). It is bordered to the north and east by General Commercial Zoning, with the intersection of McCullough and East Rector Street to the south characterized by single-family residential zoning. The applicant is proposing to erect an 8-foot tall solid screen fence along the southern property line. According to the applicant the 8-foot tall fence would act as a "buffer" between a planned hotel-condominium complex on the subject site and the adjacent residential neighbors. The Neighborhood Association and Neighborhood Plan support the request of the 8-foot tall solid screen fence.

Recommendation: The intent of the maximum fence height requirement in front, rear and side yards is to allow property owners to screen and secure their property, while also allowing for openness, air flow, light penetration, neighborhood uniformity and safe visual clearance. Additionally fence height in front yards is limited because the presence can detract from the streetscape and the area's pedestrian friendliness. There appears to be some elevation difference between the subject property and the residential lots to the south. While an 8-foot tall fence does not offer complete screening from multiple storied buildings, two additional feet in fence height seems like a reasonable attempt to add some additional privacy. Staff recommends **approval** of variance request number 1 for the additional height in the side yard. But staff recommends **denial** of variance request number 2 for the additional height in the front yard.

Case Manager: Omar Sotelo, Planner (210) 207-5018